

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 U.S. BANK TRUST, N.A.,
5 Plaintiff,
6 v.
7 SFR INVESTMENTS POOL 1, LLC,
8 Defendant.
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Case No. 2:16-cv-00741-APG-NJK

**ORDER GRANTING MOTION TO
PARTIALLY LIFT STAY AND TO
AMEND THE COMPLAINT**

(ECF No. 31)

10 I previously entered a stay in this case. ECF No. 24. Plaintiff U.S. Bank moves for a
11 partial lifting of the stay and for leave to amend the complaint to add claims against the
12 homeowners' association (HOA) and the HOA's trustee. U.S. Bank states that it did not
13 previously file claims against the HOA or its trustee because the pre-suit mediation required
14 under Nevada state law had not been completed. That mediation has concluded and U.S. Bank
15 now seeks to add claims against the HOA and its trustee.

16 U.S. Bank has shown good cause to partially lift the stay for the purpose of filing the
17 amended complaint and accomplishing service on the newly-added defendants. There is no
18 evidence of bad faith, undue delay, or prejudice. *Sonoma Cnty. Ass'n of Retired Emps. v. Sonoma*
19 *Cnty.*, 708 F.3d 1109, 1117 (9th Cir. 2013). U.S. Bank has not previously amended the
20 complaint. As to futility, issues surrounding the viability of U.S. Bank's claims are the subject of
21 the stay. Accordingly, to preserve all parties' rights, I will partially lift the stay and allow U.S.
22 Bank to amend.

23 IT IS THEREFORE ORDERED that plaintiff U.S. Bank Trust, N.A.'s motion to partially
24 lift the stay to allow U.S. Bank to file an amended complaint adding the HOA and its trustee as
25 defendants (ECF No. 21) is GRANTED. The administrative stay otherwise remains in effect.

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1 IT IS FURTHER ORDERED that pursuant to Local Rule 15-1(b), plaintiff U.S. Bank
2 Trust, N.A. shall file and serve the amended pleading.

3 DATED this 16th day of June, 2017.

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6 ANDREW P. GORDON
7 UNITED STATES DISTRICT JUDGE
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